testamentary guardian of the children, to determine the right of herself and her children in the policy moneys. On this Mr. Justice North decided that the widow and children took as joint tenants. The court has often taken hold of slight circumstances, in the case of a gift to a wife and children, as sufficient to indicate that the wife is to take for life with remainder to the children; but there was no such indication in the policy in question. The Act refers, as might be expected, to the policy itself for the expression of what the benefit intended is. In the policy there was not the smallest indication to justify the court in deciding that the widow was to take for life with remainder to the children. And there has never been a case in which the mere direction in a gift to a mother and children that the interest of the mother should be for her separate use has been held sufficient in itself, without more, to warrant the construction that the mother takes for life with remainder to her children. This being so, Mr. Justice North came to the conclusion that, whether the policy was considered alone or jointly with the Act, it amounted to a settlement on the wife and children by creating vested interests as joint tenants in such of them as were living at their father's death. As regards the decision in *Re Mellor's Policy Trusts*, it was pointed out that Vice-Chancellor Malins held, that the reference in sec. 10 of the Act to the wife's interest being for her separate use did not prevent her taking a share of the capital. "The learned counsel," said Mr. Justice North, "seems to have relied again on the Statute of Distributions, and to have confused the mind of the reporter thereby; but the Vice-Chancellor said nothing about the statute. He modified his order that there must be a settlement on the wife for life, with remainder to the two children, and held that they could all share in the capital. They must therefore all have taken like third shares; which are the exact proportions they would have taken in any fund as to which there had been an intestacy. I have no doubt that some remarks by the Vice-Chancellor to that effect, referring to the argument urged before him, are summarised by the reporter in the final words, 'that the money might be distributed as in the case of an intestacy.' The report, however, is not a satisfactory one." The case is not reported in the *Law Times*. With these conflicting decisions on the section, it seems very desirable that the opinion of Mr. Justice North should be indorsed by the Court of Appeal.

It remains to observe in this connection that a petition, presented since the coming into operation of the Married Women's Property Act, 1882, for the appointment of trustees of the proceeds of a life policy effected by a husband, under the provisions of the Married Women's Property Act, 1870, for the benefit of his wife and children, ought to be entitled in the matter of the Act of 1882, and also of the Trustee Acts. In *Re Soutar's Policy Trust* (26 Chy. Div. 236) the lamented Mr. Justice Pearson doubted whether section 10 of the Act of 1870 remains in force for any purpose, because sec. 11 of the Act of 1882 says that if at the time of the death of the assured there shall be no trustee, a trustee or trustees "may be appointed by any court having jurisdiction under the provisions of the Trustee Act, 1850, or the Acts amending and extending the same." And in another case under the Act of 1870 (*Re Howson's Policy Trusts*, Weekly Notes, 1885, p. 213) the petition of the widow and infant children asked for the appointment of a single trustee for the purpose of receiving the policy money from the insurance company, relying on the fact that sec. 10 speaks of the appointment of "a trustee." But Mr. Justice Pearson said that it would be contrary to the practice of the court to appoint a single trustee when a fund was to be retained on behalf of infants.

The sec. 11 (in the Act of 1882) is an amplification of sec. 10 of the Act of 1870, and differs from it in four respects. First, as has already been observed, it omits the words "for her separate use," as being superfluous. Secondly, it makes similar provision for a policy effected by a woman for the benefit of her husband and children as for one effected by a man for the benefit of his wife and children, and the subsequent provisions of the section apply equally to both. Thirdly, the more modern section enables the assured, by the policy or any memorandum under his or her hand, to appoint trustees, and to make provision for the appointment of new trustees, and for the investment of the moneys.